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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOSEPH ABDALLAH, 03B2538

Plaintiff,

05-CV-6391CJS

-v-

MEMORANDUM and ORDER

Sgt. JOHN DOE and
Correction Officers JOHN DOE 1 - 4,

Defendants.

Plaintiff, who is incarcerated in the Clinton Correctional Facility, has requested permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) and has both met the statutory requirements and furnished the Court with a signed Authorization. Accordingly, plaintiff's request to proceed as a poor person is hereby granted. In addition, plaintiff has requested permission to amend and supplement his complaint, which has not yet been served or answered.

The Clerk of the Court is directed to file plaintiff's papers, and to send plaintiff a new form to file an amended complaint with instructions.

Plaintiff is advised that an amended complaint is intended to **completely replace** the prior complaint in the action, and thus it "renders [any prior complaint] of no legal effect." *International Controls Corp. v. Vesco*, 556 F.2d 665, 668 (2d Cir. 1977), *cert. denied sub nom., Vesco & Co., Inc. v. International Controls Corp.*, 434 U.S. 1014 (1978); *see also Shields v. Citytrust Bancorp, Inc.*, 25 F.3d 1124, 1128 (2d Cir. 1994). Therefore, plaintiff's amended complaint must include all of the allegations against each of the

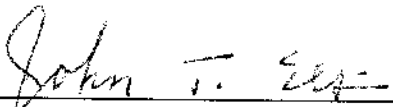
defendants, so that the amended complaint may stand alone as the sole complaint in this action which the defendants must answer.

Plaintiff must file an amended complaint by **November 21, 2005**, or the complaint will be dismissed without prejudice.

If plaintiff has not complied with this order by **November 21, 2005**, the Clerk of the Court is directed to close this case as dismissed without prejudice without further order.

SO ORDERED.

DATED: Buffalo, New York
October 19, 2005



JOHN T. ELFVIN
UNITED STATES DISTRICT JUDGE